

  
Councilmember Kathy Patterson 2

A BILL 3

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 5

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To amend, on an emergency basis, due to Congressional review, the Advisory Commission on 7  
Sentencing Establishment Act of 1998 to require reports to be submitted to the Council in 8  
2002 and 2003 on the implementation of the determinate sentencing system and 9  
recommendations, if any, for a structured sentencing system; to amend section 16-710 of 10  
the District of Columbia Code to authorize the court to order a probationer to be placed in 11  
custody for brief periods as a condition of probation; to amend An Act To Establish a 12  
Board of Indeterminate Sentence and Parole for the District of Columbia and to amend 13  
and to determine its functions, and for other purposes, to require the court to impose a 14  
determinate sentence, to abolish parole, and to impose a period of supervised release to 15  
follow release from imprisonment or commitment for all felonies committed on or after 16  
August 5, 2000; to amend An Act To establish a code of law for the District of Columbia, 17  
An Act to control the possession, sale, transfer, and use of pistols and other dangerous 18  
weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, 19  
and for other purposes, the District of Columbia Theft and White Collar Crime Act of 20  
1982, and the Anti-Sexual Abuse Act of 1994 to reduce life sentences to thirty years' 21  
imprisonment and to bring them into conformity with the amendments to An Act To 22  
Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and 23  
to amend and to determine its functions, and for other purposes; to amend the Youth 24  
Rehabilitation Amendment Act of 1985 to eliminate for felons its age segregation 25  
requirement, and to specify the circumstances under which a set-aside conviction can be 26  
used; and to make other amendments consistent with the National Capital Revitalization 27  
and Self-Government Improvement Act of 1997. 28

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 29  
act may be cited as the "Sentencing Reform Congressional Review Emergency Amendment Act of 30  
2001". 31

Sec. 2. Section 6 of the Advisory Commission on Sentencing Establishment Act of 1998, 1  
effective October 16, 1998 (D.C. Law 12-167; D.C. Code § 2-4205), is amended to read as 2  
follows: 3

"Sec. 6. Sentencing guidelines. 4

"(a) The Commission shall submit to the Council in the 2002 annual report a survey of the 5  
various types of structured sentencing systems in use in the United States and the Commission's 6  
recommendations as to which system would best serve the District of Columbia. The Commission 7  
shall also submit recommendations for the classification or ranking of criminal offenses in the 8  
District of Columbia. 9

"(b) The Court shall collect and provide to the Commission data on the length of and 10  
reasons for each sentence imposed for crimes committed on or after August 5, 2000. The reasons 11  
should include, but are not limited to, the weight given to such factors as the background and 12  
criminal history of the offender, the nature of the offense, and the impact of the offense on the 13  
victim or community. The data shall not become a part of the record and shall not be used to 14  
challenge the sentence imposed. 15

"(c) The Commission shall analyze the data provided to it by the Court and shall submit 16  
to the Council in the 2002 annual report: 17

"(1) An interim assessment on the implementation of the determinate sentencing 18  
system; and 19

"(2) An assessment of sentencing practices within the District of Columbia for 20  
August 5, 1996 to August 5, 2000. 21

“(d) The Commission shall submit to the Council in its 2003 annual report a  
recommendation for a comprehensive structured sentencing system in the District of Columbia or,  
in the alternative, a detailed explanation as to why the District of Columbia does not need a  
structured sentencing system. The Commission shall continue to analyze the data specified in  
subsections (b) and (c) of this section and submit a final report of its findings in its 2003 annual  
report to the Council.”.

Sec. 3. Section 16-710 of the District of Columbia Code is amended by adding a new  
subsection (b-1) to read as follows:

“(b-1) The court may order as a condition of probation for any defendant convicted of a  
felony that the defendant remain in custody or in a community correctional center during nights,  
weekends, or other intervals totaling not more than one year during the term of probation.”.

Sec. 4. An Act To establish a code of law for the District of Columbia, approved March  
3, 1901 (31 Stat. 1189; codified in scattered sections of the D.C. Code), is amended as follows:

(a) Section 798 (D.C. Code § 22-2401) is amended by adding a new sentence at the end  
to read as follows:

“For purposes of imprisonment following revocation of release authorized by section  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat.  
697; D.C. Code § 24-203.1), murder in the first degree is a Class A felony.”.

(b) Section 799 (D.C. Code § 22-2402) is amended by adding a new sentence at the end  
to read as follows:

“For purposes of imprisonment following revocation of release authorized by section 1  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of 2  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 3  
697; D.C. Code § 24-203.1), murder in the first degree is a Class A felony.”. 4

(c) Section 800 (D.C. Code § 22-2403) is amended by adding a new sentence at the end 5  
to read as follows: 6

“For purposes of imprisonment following revocation of release authorized by section 7  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of 8  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 9  
697; D.C. Code § 24-203.1), murder in the second degree is a Class A felony.”. 10

(d) Section 801 (D.C. Code § 22-2404) is amended to read as follows: 11

“(a) The punishment for murder in the first degree shall be not less than 30 years nor 12  
more than life imprisonment without release, except that the court may impose a prison sentence 13  
in excess of 60 years only in accordance with section 801a of An Act To establish a code of law 14  
for the District of Columbia, effective September 26, 1992 (D.C. Law 9-153; D.C. Code § 22- 15  
2404.1) or section 3a(b-2) of An Act To establish a Board of Indeterminate Sentence and Parole 16  
for the District of Columbia and to determine its functions, and for other purposes, approved July 17  
15, 1932 (47 Stat. 697; D.C. Code § 24-203.1). The prosecution shall notify the defendant in 18  
writing at least 30 days prior to trial that it intends to seek a sentence of life imprisonment without 19  
release as provided in section 801a of An Act To establish a code of law for the District of 20  
Columbia, effective September 26, 1992 (D.C. Law 9-153; D.C. Code § 22-2404.1); provided 21

that, no person who was less than 18 years of age at the time the murder was committed shall be  
sentenced to life imprisonment without release.

“(b) Notwithstanding any other provision of law, a person convicted of murder in the first  
degree shall not be released from prison prior to the expiration of 30 years from the date of the  
commencement of the sentence.

“(c) Whoever is guilty of murder in the second degree shall be sentenced to a period of  
incarceration of not more than life, except that the court may impose a prison sentence in excess  
of 40 years only in accordance with section 3a(b-2) of An Act To establish a Board of  
Indeterminate Sentence and Parole for the District of Columbia and to determine its functions,  
and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1).

“(d) For purposes of imprisonment following revocation of release authorized by section  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat.  
697; D.C. Code § 24-203.1), murder in the first degree and murder in the second degree are Class  
A felonies.”.

(e) Section 801a (D.C. Law 9-153; D.C. Code § 22-2404.1) is amended as follows:

(1) Strike the word "parole" wherever it appears and insert the word "release" in  
its place.

(2) Subsection (a) is amended by striking the phrase "life imprisonment or" and  
inserting the phrase "more than 60 years up to, and including," in its place.

(3) Subsection (b) is amended by striking the phrase "the court shall consider" and  
inserting the phrase "a finding shall be made" in its place.

- (4) Subsection (c) is amended as follows: 1
- (A) Strike the phrase "court shall" and insert the phrase "finding shall". 2
- (B) Strike the phrase "the court finds that". 3
- (C) Add the phrase "more than 60 years up to, and including," before the 4  
phrase "life imprisonment without". 5
- (f) Section 811a (D.C. Law 9-270; D.C. Code § 22-2903) is amended as follows: 6
- (1) Subsection (b)(2) is amended by adding two new sentences at the end to read 7  
as follows: 8
- “However, the court may impose a prison sentence in excess of 30 years only in 9  
accordance with section 3a(b-2) of An Act To establish a Board of Indeterminate Sentence and 10  
Parole for the District of Columbia and to determine its functions, and for other purposes, 11  
approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1). For purposes of imprisonment 12  
following revocation of release authorized by section 3a(b)(7) of An Act To establish a Board of 13  
Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, 14  
and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1), armed 15  
carjacking is a Class A felony.”. 16
- (2) A new subsection (c) is added to read as follows: 17
- “(c) Notwithstanding any other provision of law, a person convicted of carjacking shall 18  
not be released from prison prior to the expiration of 7 years from the date of the commencement 19  
of the sentence, and a person convicted of armed carjacking shall not be released from prison 20  
prior to the expiration of 15 years from the date of the commencement of the sentence.”. 21
- (g) Section 812 (D.C. Code § 22-2101) is amended as follows: 22

(1) Strike the phrase "life or for any term as the court in its discretion may  
determine." and insert the phrase "not more than 30 years." in its place.

(2) Add a new sentence after the first sentence to read as follows:

"For purposes of imprisonment following revocation of release authorized by section  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat.  
697; D.C. Code § 24-203.1), the offense defined by this section is a Class A felony."

(h) Section 907a(a) (D.C. Code § 22-104a(a)), is amended as follows:

(1) Paragraph (1) is amended by striking the word "life" and inserting the phrase  
"30 years" in its place.

(2) Paragraph (2) is amended by striking the phrase "a term of imprisonment of  
life without possibility of parole" and inserting the phrase "such greater term of imprisonment as it  
deems necessary up to, and including, life without possibility of release" in its place.

(3) A new paragraph (3) is added to read as follows:

"(3) For purposes of imprisonment following revocation of release authorized by  
section 3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the  
District of Columbia and to determine its functions, and for other purposes, approved July 15,  
1932 (47 Stat. 697; D.C. Code § 24-203.1), the third or subsequent felony committed by a person  
who had previously been convicted of 2 prior felonies not committed on the same occasion and  
the third or subsequent crime of violence committed by a person who had previously been  
convicted of 2 prior crimes of violence not committed on the same occasion are Class A  
felonies."

Sec. 5. Section 502(b) of the District of Columbia Theft and White Collar Crimes Act of 1  
1982, effective December 1, 1982) (D.C. Law 4-164; D.C. Code § 22-722(b)), is amended as 2  
follows: 3

(a) Strike the word "life" and insert the phrase "30 years" in its place. 4

(b) Add a new sentence at the end to read as follows: 5

"For purposes of imprisonment following revocation of release authorized by section 6  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of 7  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 8  
697; D.C. Code § 24-203.1), obstruction of justice is a Class A felony." 9

Sec. 6. An Act To control the possession, sale, transfer, and use of pistols and other 10  
dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of 11  
evidence, and for other purposes, approved July 8, 1932 (47 Stat. 560; D.C. Code § 22-3201 *et* 12  
*seq.*), is amended as follows: 13

(a) Section 2 (D.C. Code § 22-3202) is amended as follows: 14

(1) Subsection (a) is amended as follows: 15

(A) Paragraph (1) is amended by striking the phrase "up to life 16  
imprisonment" and inserting the phrase "up to, and including, 30 years for all offenses except first 17  
degree murder while armed, second degree murder while armed, first degree sexual abuse while 18  
armed, and first degree child sexual abuse while armed," in its place. 19

(B) Paragraph (2) is amended by striking the phrase, "to a minimum period 20  
of imprisonment of not less than 5 years and a maximum period of imprisonment" which may not 21  
be less than 3 times the minimum sentence imposed and may be up to life imprisonment" and 22



inserting the phrase "to a period of imprisonment of not less than 5 years and, except for first  
degree murder while armed, second degree murder while armed, first degree sexual abuse while  
armed and first degree child sexual abuse while armed, not more than 30 years".

(C) New paragraphs (3) and (4) are added to read as follows:

"(3) Shall, if such person is convicted of first degree murder while armed, second  
degree murder while armed, first degree sexual abuse while armed, or first degree child sexual  
abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period of  
imprisonment of not less than the minimum and mandatory minimum sentences required by  
subsections (a)(1), (a)(2), (c) and (e) of this section and section 801 of An Act To establish a code  
of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-  
2404), and not more than life imprisonment or life imprisonment without possibility of release as  
authorized by section 3a(b-2) of An Act To establish a Board of Indeterminate Sentence and  
Parole for the District of Columbia and to determine its functions, and for other purposes,  
approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1); section 801 of An Act To establish  
a code of law for the District of Columbia, approved March 3, 1901, (31 Stat. 1321; D.C. Code §  
22-2404); section 801a of An Act To establish a code of law for the District of Columbia,  
effective September 26, 1992 (D.C. Law 9-153; D.C. Code § 22-2404.1); and sections  
201, 207, and 219 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995  
(D.C. Law 10-257; D.C. Code §§ 22-4102, 22-4108, 22-4120).

"(4) For purposes of imprisonment following revocation of release authorized by  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of

Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 1  
697; D.C. Code § 24-203.1), the offenses defined by this section are Class A felonies.”. 2

(2) Subsection (b) is repealed. 3

(3) Subsection (c) is amended by striking the phrase “on parole,”. 4

(4) Subsection (d) is repealed. 5

(b) Section 15A(d) (84 Stat. 603; D.C. Code § 22-3215a(d)) is amended as follows: 6

(1) Strike the phrase “of any term of years up to life imprisonment” and insert the 7  
phrase “not more than 30 years” in its place. 8

(2) A new sentence is added at the end to read as follows: 9

“For purposes of imprisonment following revocation of release authorized by section 10  
3a(b)(7) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of 11  
Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 12  
697; D.C. Code § 24-203.1), the third or subsequent conviction for an offense defined by this 13  
section is a Class A felony.”. 14

Sec. 7. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; 15  
D.C. Code § 22-4101 *et seq.*), is amended as follows: 16

(a) Section 201 (D.C. Code § 22-4102) is amended as follows: 17

(1) The existing text is designated as subsection (a). 18

(2) A new subsection (b) is added to read as follows: 19

“(b) The court may impose a prison sentence in excess of 30 years only in accordance 20  
with section 219 or section 3a(b-2) of An Act To establish a Board of Indeterminate Sentence and 21  
Parole for the District of Columbia and to determine its functions, and for other purposes, 22

approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1). For purposes of imprisonment 1  
following revocation of release authorized by section 3a(b)(7) of An Act To establish a Board of 2  
Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, 3  
and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1), the offense 4  
defined by this section is a Class A felony.”. 5

(b) Section 207 (D.C. Code § 22-4108) is amended by adding two new sentences at the 6  
end to read as follows: 7

“However, the court may impose a prison sentence in excess of 30 years only in 8  
accordance with section 219 or section 3a(b-2) of An Act To establish a Board of Indeterminate 9  
Sentence and Parole for the District of Columbia and to determine its functions, and for other 10  
purposes, approved July 15, 1932 (47 Stat. 697; D.C. Code § 24-203.1). For purposes of 11  
imprisonment following revocation of release authorized by section 3a(b)(7) of An Act To 12  
establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to 13  
determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Code 14  
§ 24-203.1), the offense defined by this section is a Class A felony.”. 15

(c) Section 219(a) (D.C. Code § 22-4120(a)) is amended by striking the phrase “a life 16  
sentence without parole, if life imprisonment is the maximum penalty prescribed for the offense,” 17  
and inserting the phrase “a sentence of more than 30 years up to, and including life imprisonment 18  
without possibility of release for first degree sexual abuse or first degree child sexual abuse,” in its 19  
place. 20

Sec. 8. An Act To establish a Board of Indeterminate Sentence and Parole for the District  
of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47  
Stat. 697; D.C. Code § 24-203 *passim*), is amended as follows:

(a) Section 3a (D.C. Code § 24-203.1) is amended as follows:

(1) Subsection (a) is amended by striking the phrase, "Notwithstanding any other  
provision of law, for" and inserting the word, "For" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) If an offender is sentenced to imprisonment, or to commitment pursuant to section  
4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-  
69; D.C. Code § 24-803), under this section, the court shall impose a period of supervision  
("supervised release") to follow release from the imprisonment or commitment.

"(2) If the court imposes a sentence of more than one year, the court shall impose  
a term of supervised release of:

"(A) Five years, if the maximum term of imprisonment authorized for the  
offense is 25 years or more; or

"(B) Three years, if the maximum term of imprisonment authorized for the  
offense is more than one year, but less than 25 years.

"(3) If the court imposes a sentence of one year or less, the court shall impose a  
term of supervised release of:

"(A) Not more than 5 years, if the maximum term of imprisonment  
authorized for the offense is 25 years or more; or

“(B) Not more than 3 years, if the maximum term of imprisonment 1  
authorized for the offense is more than one year, but less than 25 years. 2

“(4) In the case of a person sentenced for an offense for which registration is 3  
required by the Sex Offender Registration Act of 1999, signed by the Mayor on January 10, 2000 4  
(D.C. Act 13-248; 47 DCR 797), the court may, in its discretion, impose a longer term of 5  
supervised release than that required or authorized by paragraph (2) or (3) of this subsection, of: 6

“(A) Not more than 10 years; or 7

“(B) Not more than life if the person is required to register for life. 8

“(5) The term of supervised release commences on the day the offender is released 9  
from imprisonment, and runs concurrently with any federal, state, or local term of probation, 10  
parole, or supervised release for another offense to which the offender is subject or becomes 11  
subject during the term of supervised release. A term of supervised release does not run during 12  
any period in which the offender is imprisoned in connection with a conviction for a federal, state, 13  
or local crime unless the period of imprisonment is less than 30 days. 14

“(6) Offenders on supervised release shall be subject to the authority of the United 15  
States Parole Commission until completion of the term of supervised release. The Parole 16  
Commission shall have and exercise the same authority as is vested in the United States District 17  
Courts by 18 U.S.C. § 3583(d) - (i), except that: 18

“(A) The procedures followed by the Parole Commission in exercising 19  
such authority shall be those set forth in chapter 311 of title 18 of the United States Code; and 20

“(B) An extension of a term of supervised release under 18 U.S.C. § 21  
3583(e)(2) may be ordered only by the court upon motion from the Parole Commission. 22

“(7) An offender whose term of supervised release is revoked may be imprisoned 1  
for a period of: 2

“(A) Not more than 5 years, if the maximum term of imprisonment 3  
authorized for the offense is life or the offense is specifically designated as a Class A felony; 4

“(B) Not more than 3 years, if the maximum term of imprisonment 5  
authorized for the offense is 25 years or more, but less than life and the offense is not specifically 6  
designated as a Class A felony; 7

“(C) Not more than 2 years, if the maximum term of imprisonment 8  
authorized for the offense is 5 years or more, but less than 25 years; or 9

“(D) Not more than 1 year, if the maximum term of imprisonment 10  
authorized for the offense is less than 5 years.”. 11

(3) New subsections (b-1) and (b-2) are added to read as follows: 12

“(b-1) If the maximum term of imprisonment authorized for an offense is a term of years, 13  
the term of imprisonment or commitment imposed by the court shall not exceed the maximum 14  
term of imprisonment authorized for the offense less the maximum term of imprisonment 15  
authorized upon revocation of supervised release pursuant to subsection (b)(7) of this section. If 16  
the maximum term of imprisonment authorized for the offense is up to life or if an offense is 17  
specifically designated as a Class A felony, the maximum term of imprisonment authorized upon 18  
revocation of supervised release pursuant to subsection (b)(7) shall not be deducted from the 19  
maximum term of imprisonment or commitment authorized for such offense. 20

“(b-2)(1) The court may impose a sentence in excess of 60 years for first degree murder 21  
or first degree murder while armed, 40 years for second degree murder or second degree murder 22

while armed, or 30 years for armed car jacking, first degree sexual abuse, first degree sexual abuse while armed, first degree child sexual abuse or first degree sexual abuse while armed, only if--

“(A) Thirty-days prior to trial or the entry of a plea of guilty, the prosecutor files an indictment or information with the clerk of the court and a copy of such indictment or information is served on the person or counsel for the person, stating in writing one or more aggravating circumstances to be relied upon; and

“(B) One or more aggravating circumstances exist beyond a reasonable doubt.

“(2) Aggravating circumstances for first degree murder are set forth in section 801a of An Act To establish a code of law for the District of Columbia, effective September 26, 1992 (D.C. Law 9-153; D.C. Code § 22-2404.1). Aggravating circumstances for first degree sexual abuse and first degree child sexual abuse are set forth in section 219 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Code § 22-4120). In addition, for all offenses, aggravating circumstances include:

“(A) The offense was committed because of the victim’s race, color, religion, national origin or sexual orientation;

“(B) The offense was committed because the victim was or had been a witness in any criminal investigation or judicial proceeding or was capable of providing or had provided assistance in any criminal investigation or judicial proceeding;

“(C) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

“(D) The offense was especially heinous, atrocious, or cruel; 1

“(E) The offense involved a drive-by or random shooting; 2

“(F) The offense was committed after substantial planning; 3

“(G) The victim was less than 12 years old or more than 60 years old or 4  
vulnerable because of mental or physical infirmity; or 5

“(H) Except where death or serious bodily injury is an element of the 6  
offense, the victim sustained serious bodily injury as a result of the offense. 7

“(3) This section does not limit the imposition of a maximum sentence of up to life 8  
imprisonment without possibility of release authorized by section 907a(a)(2) of An Act To 9  
establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; 10  
D.C. Code § 22-104a(a)(2)); section 801a of An Act To establish a code of law for the District of 11  
Columbia, effective September 26, 1992 (D.C. Law 9-153; D.C. Code § 22-2404.1); section 802a 12  
of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. 13  
Law 10-256; D.C. Code § 22-2406); and section 201 of the Anti-Sexual Abuse Act of 1994, 14  
effective May 23, 1995 (D.C. Law 10-257; D.C. Code § 22-4120).”. 15

(4) Subsection (c) is amended as follows: 16

(A) The first sentence is amended by striking the phrase “In the case of a 17  
felony described in section 11212(h) of the National Capital Revitalization and Self-Government 18  
Improvement Act of 1997, approved August 5, 1997 (111 Stat. 712; D.C. Code § 24-1212(h)), 19  
a” and inserting the word “A” in its place. 20

(B) The second sentence is amended by striking the phrase “for such a 21  
felony ”. 22



(b) A new section 3b is added to read as follows: 1

“Sec. 3b. Sentencing and good time credit for misdemeanors committed on or after 2  
August 5, 2000. 3

“A sentence of incarceration, or of commitment pursuant to section 4 of the Youth 4  
Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Code 5  
§ 24-803), for a misdemeanor committed on or after August 5, 2000, shall be for a definite term, 6  
which shall not exceed the maximum term allowed by law. A person sentenced to incarceration, 7  
or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, 8  
effective December 7, 1985 (D.C. Law 6-69; D.C. Code § 24-803), under this section, shall serve 9  
the term of incarceration or commitment specified in the sentence, less any time credited toward 10  
service of the sentence as provided in sections 3 through 7 of the District of Columbia Good Time 11  
Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Code § 24-429 through § 12  
24-433).”. 13

(c) Section 9 (D.C. Code § 24-208) is amended by adding a new subsection (a-1) to read 14  
as follows: 15

“(a-1) Notwithstanding any other provision of law, subsection (a) of this section shall not 16  
apply to any offense committed on or after August 5, 2000.”. 17

Sec. 9. The Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 18  
(D.C. Law 6-69; D.C. Code § 24-801 *et seq.*), is amended as follows: 19

(a) Section 2(1) (D.C. Code § 24-801(1)) is amended as follows by striking the phrase 20  
“for treatment in the District of Columbia”. 21

(b) Section 3 (D.C. Code § 24-802) is amended to read as follows: 22

“(a) The Mayor shall provide facilities and personnel for the treatment and rehabilitation  
of youth offenders convicted of misdemeanor offenses under District of Columbia law and  
sentenced according to this act.

“(b)(1) The Mayor shall periodically set aside and adapt facilities for the treatment, care,  
education, vocational training, rehabilitation, segregation, and protection of youth offenders  
convicted of misdemeanor offenses.

“(2) Insofar as practical, these institutions maintained by the District of Columbia  
shall treat committed youth offenders convicted of misdemeanor offenses only, and the youth  
offenders shall be segregated from other offenders, and classes of committed youth offenders shall  
be segregated according to their needs for treatment.

“(c) The Federal Bureau of Prisons is authorized to provide for the custody, care,  
subsistence, education, treatment, and training of youth offenders convicted of felony offenses and  
sentenced to commitment.”.

(c) Section 5 (D.C. Code § 24-804) is amended by adding a new subsection (c) to read as  
follows:

“(c) Notwithstanding any other provision of law, subsections (a) and (b) of this section  
shall not apply to a youth offender convicted of any offense committed on or after August 5,  
2000.”

(d) Section 6 (D.C. Code § 24-805) is amended by adding a new subsection (c) to read as  
follows:

“(c) Notwithstanding any other provision of law, subsections (a) and (b) of this section shall not apply to a youth offender convicted of any offense committed on or after August 5, 2000.”.

(e) Section 7 (D.C. Code § 24-806) is amended to read as follows:

“(a) Upon unconditional discharge of a committed youth offender before the expiration of the sentence imposed, the youth offender’s conviction shall be automatically set aside.

“(b) If the sentence of a committed youth offender expires before unconditional discharge, the United States Parole Commission may, in its discretion, set aside the conviction.

“(c) Where a youth offender is sentenced to commitment and a term of supervised release for a felony committed on or after August 5, 2000, and the United States Parole Commission exercises its authority pursuant to 18 U.S.C. § 3583(e)(1) to terminate the term of supervised release before its expiration, the youth offender’s conviction shall be automatically set aside.

“(d) In any case in which the youth offender’s conviction is set aside, the youth offender shall be issued a certificate to that effect.

“(e) Where a youth offender has been placed on probation by the court, the court may, in its discretion, unconditionally discharge the youth offender from probation before the end of the maximum period of probation previously fixed by the court. The discharge shall automatically set aside the conviction. If the sentence of a youth offender who has been placed on probation by the court expires before unconditional discharge, the court may, in its discretion, set aside the conviction. In any case where the court sets aside the conviction of a youth offender, the court shall issue to the youth offender a certificate to that effect.

“(f) A conviction set aside under this section may be used:

“(1) In determining whether a person has committed a second or subsequent offense for purposes of imposing an enhanced sentence under any provision of law;

“(2) In determining whether an offense under section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-541) is a second or subsequent violation under section 11212(h)(14) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 712; D.C. Code § 24-1212(h)(14));

“(3) In determining an appropriate sentence if the person is subsequently convicted of another crime;

“(4) For impeachment if the person testifies in his own defense at trial pursuant to section 14-305 of the District of Columbia Code;

“(5) For cross-examining character witnesses; or

“(6) For sex offender registration and notification.”.

(f) Section 8 (D.C. Code § 24-807) is amended as follows:

(1) The section heading is amended by striking the phrase “; division of responsibility”.

(2) The text is amended by striking the phrase “, including the division of responsibility between the District of Columbia Board of Parole and the District of Columbia Department of Corrections”.

Sec. 10. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 11. This act shall apply to offenses committed on or after August 5, 2000.

Sec. 12. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-229(a)).

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE BUDGET DIRECTOR** **FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (X) Temporary ( ) Permanent ( )	Date Reported: January 18, 2001
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Subject/Short Title: "Sentencing Reform Congressional
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<b>Part I. Summary of the Fiscal Estimates of the Bill</b>		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	( )	(X)
a) It will affect local expenditures.	( )	(X)
b) It will affect federal expenditures.	( )	(X)
c) It will affect private/other expenditures.	( )	(X)
d) It will affect intra-District expenditures.	( )	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	( )	(X)
a) It will impact local revenue.	( )	(X)
b) It will impact federal revenue.	( )	(X)
c) It will impact private/other revenue.	( )	(X)
d) It will impact intra-District revenue.	( )	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	( )	( )
Explanation:		

<b>Part II. Other Impact of the Bill</b>		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	( )	(X)
2. Are there performance measures/output for this bill?	( )	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	( )	(X)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	( )	(X)

Sources of information:	Councilmember: Kathy Patterson <hr/> Staff Person & Tel: Renee McPhatter at 724-0862 <hr/> Council Budget Director's Signature:
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1/19/01